

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1001 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHAIRMAN, GUJARAT ELECTRICITY BOARD

Versus

RAMBHAI PURSHOTTAMBHAI PATEL

Appearance:

MR MD PANDYA for Petitioners

MR HL MENGHANI for Respondent No. 1

PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 16/12/97

ORAL JUDGEMENT

The respondent no.1 was experiencing difficulty and hardship because according to him, often without any good cause, electric energy supplied by the petitioners was withheld. For want of electric energy, the public life was paralysed and every one who was getting connection from the Electricity Board consuming electric energy, either for commercial purpose or for domestic

purpose, was put to tremendous difficulties & hardships. The respondent no.1, therefore, filed the application before the Sub Divisional Magistrate at Baroda for taking appropriate action against the petitioners. A notice for taking appropriate action under Sec. 133 of the Criminal Procedure Code came to be issued by the District Magistrate on 27/9/1988 calling upon the petitioners to show cause why the complaint, he received, should not be admitted and relief as prayed for should not be granted to the respondent. Aggrieved by such notice, the present special criminal application has been filed calling in question the legality and validity of the notice.

2. Admittedly, no final order has been passed by the Divisional Magistrate. Yet the matter is resting at the notice stage. When that is the case, the cause to dissect merit of the order and determine whether order is legal and valid, does not arise. Consequently, petition seems to be premature.

3. Even otherwise, the cause to pursue the matter does not survive. About nine years have passed and by now, launching different modern schemes and employing modern technics, the difficulties must have been removed. No one, with certainty, is able to submit that the difficulties experienced in 1988, still continue. In view of the matter, there is no reason to allow this petition and grant the relief prayed for. The petition is, therefore, required to be dismissed and is accordingly dismissed, with no order as to costs. Rule discharged.

(ccs)